



Rep. Patrick J Verschoore

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09500HB2074ham002

LRB095 01542 MJR 50602 a

1 AMENDMENT TO HOUSE BILL 2074

2 AMENDMENT NO. _____. Amend House Bill 2074 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by adding
5 Sections 13-905 and 13-905.5 and by changing Section 21-1101 as
6 follows:

7 (220 ILCS 5/13-905 new)

8 Sec. 13-905. Mandatory overtime by utility employees.

9 (a) A utility that has telecommunications access lines in
10 this State must maintain staffing levels, as they existed on
11 January 1, 2005, for employees who maintain and repair all
12 types of telecommunications access facilities, including cable
13 and auxiliary equipment.

14 (b) A utility that has telecommunications access lines in
15 this State shall not require mandatory overtime if staffing
16 levels fall below levels specified in subsection (a) of this

1 Section, except in the case of catastrophic events, such as a
2 natural disaster or emergency situation declared by the State.

3 (c) If a utility that has telecommunications access lines
4 in this State believes that an emergency exists and that it
5 must require mandatory overtime, then the utility must provide
6 written notice to the Commission within 5 days after requiring
7 the mandatory overtime, detailing (i) the reason for the
8 mandatory overtime, (ii) the number of employees required to
9 work overtime, and (iii) the length or projected length of time
10 that overtime work was or is necessary. The utility must also
11 file notice with the Commission within 5 days after completing
12 mandatory overtime.

13 (d) If a utility that has telecommunications access lines
14 in this State violates this Section by either failing to file
15 notice with the Commission or by failing to comply with
16 subsection (a) of this Section and requires mandatory overtime
17 without necessity, then the company must pay a \$10,000 fine to
18 the Commission for each employee that worked mandatory overtime
19 in violation of this Section.

20 (220 ILCS 5/13-905.5 new)

21 Sec. 13-905.5. Employee meetings; employer's opinion
22 prohibited.

23 (a) For purposes of this Section:

24 "Employee" means any person engaged in service to an
25 employer authorized to do business in this State under this

1 Act.

2 "Employer" means a person engaged in business in the State
3 under this Act that has at least 150 employees.

4 "Labor organization" means any organization that exists
5 for the purpose, in whole or in part, of collective bargaining
6 or of dealing with employers concerning grievances, terms or
7 conditions of employment, or of other mutual aid or protection
8 in connection with employment.

9 (b) An employer shall not require an employee to attend a
10 meeting of which the primary purpose is to communicate the
11 employer's opinion concerning labor organizations.

12 (220 ILCS 5/21-1101)

13 (Section scheduled to be repealed on October 1, 2013)

14 Sec. 21-1101. Requirements to provide video services.

15 (a) The holder of a State-issued authorization shall not
16 deny access to cable service or video service to any potential
17 residential subscribers because of the race or income of the
18 residents in the local area in which the potential subscribers
19 reside.

20 (b) (1) If the holder is using telecommunications
21 facilities to provide cable or video service and has 1,000,000
22 or less telecommunications access lines in this State, but more
23 than 300,000 telecommunications access lines in this State, the
24 holder shall provide: ~~(1) Provide~~ access to its cable or video
25 service to a number of households equal to at least 25% of its

1 telecommunications access lines in this State within 3 years
2 after the date a holder receives a State-issued authorization
3 from the Commission and to a number not less than 35% of these
4 households within 5 years after the date a holder receives a
5 State-issued authorization from the Commission; provided,~~7~~
6 ~~however,~~ that the holder of a State-issued authorization is not
7 required to meet the 35% requirement in this paragraph (1)
8 ~~subsection~~ until 2 years after at least 15% of the households
9 with access to the holder's video service subscribe to the
10 service for 6 consecutive months. The holder's obligation to
11 provide such access in the State shall be distributed, as the
12 holder determines, within 3 ~~three~~ different designated market
13 areas.

14 (2) Within 3 years after the date a holder receives a
15 State-issued authorization from the Commission, at least
16 30% of the total households with access to the holder's
17 cable or video service shall be low-income.

18 Within each designated market area identified in
19 paragraph (1) of this subsection (b) ~~(b)(1)~~, the holder's
20 obligation to offer service to low-income households shall
21 be measured by each exchange, as that term is defined in
22 Section 13-206 of this ~~the Public Utilities~~ Act, in which
23 the holder chooses to provide cable or video service. The
24 holder is under no obligation to serve or provide access to
25 an entire exchange; however, in addition to the statewide
26 obligation to provide low-income access provided by this

1 Section, in each exchange in which the holder chooses to
2 provide cable or video service, the holder shall provide
3 access to a percentage of low-income households that is at
4 least equal to the percentage of the total low-income
5 households within that exchange.

6 (3) The number of telecommunication access lines in
7 this Section shall be based on the number of access lines
8 that exist as of June 30, 2007 (the effective date of
9 Public Act 95-9) ~~this amendatory Act of the 95th General~~
10 ~~Assembly.~~

11 A holder of a State-issued authorization shall provide the
12 Commission with a service area footprint, as defined in
13 subsection (j) of Section 21-201 of this Article, or a list of
14 municipalities included in the service area footprint within 60
15 days after receiving authorization or 60 days after the
16 effective date of this amendatory Act of the 95th General
17 Assembly, whichever is later. The information shall also be
18 provided to the public. If a holder of a State-issued
19 authorization deems the footprint to be proprietary
20 information or refuses to disclose a footprint or list of
21 municipalities, then the holder shall provide access to its
22 cable or video service to a number of households equal to at
23 least 50% of the households in the holder's telecommunications
24 service area in the State within 3 years after the date the
25 holder receives a State-issued authorization from the
26 Commission and to a number not less than 65% of these

1 households within 5 years after the date the holder receives a
2 State-issued authorization from the Commission; provided,
3 however, that the holder of a State-issued authorization is not
4 required to meet the 65% requirement in subsection (c) of this
5 Section until 2 years after at least 15% of the households with
6 access to the holder's video service subscribe to the service
7 for 6 consecutive months.

8 (c) (1) If the holder of a State-issued authorization is
9 using telecommunications facilities to provide cable or video
10 service and has more than 1,000,000 telecommunications access
11 lines in this State, the holder shall provide: ~~(1) (A) Provide~~
12 access to its cable or video service to a number of households
13 equal to at least 35% of the households in the holder's
14 telecommunications service area in the State within 3 years
15 after the date a holder receives a State-issued authorization
16 from the Commission and to a number not less than 50% of these
17 households within 5 years after the date a holder receives a
18 State-issued authorization from the Commission; provided,~~7~~
19 ~~however,~~ that the holder of a State-issued authorization is not
20 required to meet the 50% requirement in this paragraph (1)
21 ~~subsection~~ until 2 years after at least 15% of the households
22 with access to the holder's video service subscribe to the
23 service for 6 consecutive months.

24 The holder's obligation to provide such access in the State
25 shall be distributed, as the holder determines, within 3 ~~three~~
26 designated market areas, one in each of the northeastern,

1 central, and southwestern portions of the holder's
2 telecommunications service area in the State. The designated
3 market area for the northeastern portion shall consist of 2 ~~two~~
4 separate and distinct reporting areas: (i) a city with more
5 than 1,000,000 inhabitants, and (ii) all other local units of
6 government on a combined basis within such designated market
7 area in which it offers video service. A holder of a
8 State-issued authorization shall provide the Commission with a
9 service area footprint, as defined in subsection (j) of Section
10 21-201 of this Article, or a list of municipalities included in
11 the service area footprint within 60 days after receiving
12 authorization or 60 days after the effective date of this
13 amendatory Act of the 95th General Assembly. The information
14 shall be provided to the public. If a holder of a State-issued
15 authorization deems the footprint to be proprietary
16 information or refuses to disclose a footprint or list of
17 municipalities, then the holder shall provide access to its
18 cable or video service to a number of households equal to at
19 least 50% of the households in the holder's telecommunications
20 service area in the State within 3 years after the date the
21 holder receives a State-issued authorization from the
22 Commission and to a number not less than 65% of these
23 households within 5 years after the date the holder receives a
24 State-issued authorization from the Commission; provided,
25 however, that the holder of a State-issued authorization is not
26 required to meet the 65% requirement in this subsection (c)

1 until 2 years after at least 15% of the households with access
2 to the holder's video service subscribe to the service for 6
3 consecutive months.

4 ~~(B)~~ If any state, in which a holder subject to this
5 subsection (c) or one of its affiliates provides or seeks to
6 provide cable or video service, adopts a law permitting
7 state-issued authorization or statewide franchises to provide
8 cable or video service that requires a cable or video provider
9 to offer service to more than 35% of the households in the
10 cable or video provider's service area in that state within 3
11 years, holders subject to this subsection (c) shall provide
12 service in this State to the same percentage of households
13 within 3 years of adoption of such law in that state.

14 Furthermore, if any state, in which a holder subject to
15 this subsection (c) or one of its affiliates provides or seeks
16 to provide cable or video service, adopts a law requiring a
17 holder of a state-issued authorization or statewide franchises
18 to offer cable or video service to more than 35% of its
19 households if less than 15% of the households with access to
20 the holder's video service subscribe to the service for 6
21 consecutive months, then as a precondition to further
22 build-out, holders subject to this subsection (c) shall be
23 subject to the same percentage of service subscription in
24 meeting its obligation to provide service to 50% of the
25 households in this State.

26 (2) Within 3 years after the date a holder receives a

1 State-issued authorization from the Commission, at least
2 30% of the total households with access to the holder's
3 cable or video service shall be low-income.

4 Within each designated market area listed in paragraph
5 (1) of this subsection (c) ~~(e)(1)~~, the holder's obligation
6 to offer service to low-income households shall be measured
7 by each exchange, as that term is defined in Section 13-206
8 of this ~~the Public Utilities~~ Act in which the holder
9 chooses to provide cable or video service. The holder is
10 under no obligation to serve or provide access to an entire
11 exchange; however, in addition to the statewide obligation
12 to provide low-income access provided by this Section, in
13 each exchange in which the holder chooses to provide cable
14 or video service, the holder shall provide access to a
15 percentage of low-income households that is at least equal
16 to the percentage of the total low-income households within
17 that exchange.

18 (d) (1) All other holders shall only provide access to one
19 or more exchanges, as that term is defined in Section 13-206 of
20 this ~~the Public Utilities~~ Act, or to local units of government
21 and shall provide access to their cable or video service to a
22 number of households equal to 35% of the households in the
23 exchange or local unit of government within 3 years after the
24 date a holder receives a State-issued authorization from the
25 Commission and to a number not less than 50% of these
26 households within 5 years after the date a holder receives a

1 State-issued authorization from the Commission, provided,~~7~~
2 ~~however,~~ that if the holder is an incumbent cable operator or
3 any successor-in-interest company, it shall be obligated to
4 provide access to cable or video services within the
5 jurisdiction of a local unit of government at the same levels
6 required by the local franchising authorities for that local
7 unit of government on June 30, 2007 (the effective date of
8 Public Act 95-9) ~~this amendatory Act of the 95th General~~
9 ~~Assembly.~~

10 (2) Within 3 years after the date a holder receives a
11 State-issued authorization from the Commission, at least
12 30% of the total households with access to the holder's
13 cable or video service shall be low-income.

14 Within each designated exchange, as that term is
15 defined in Section 13-206 of this ~~the Public Utilities Act,~~
16 or local unit of government listed in paragraph (1) of this
17 subsection (d) ~~(d)(1)~~, the holder's obligation to offer
18 service to low-income households shall be measured by each
19 exchange or local unit of government in which the holder
20 chooses to provide cable or video service. Except as
21 provided in paragraph (1) of this subsection (d) ~~(d)(1)~~,
22 the holder is under no obligation to serve or provide
23 access to an entire exchange or local unit of government;
24 however, in addition to the statewide obligation to provide
25 low-income access provided by this Section, in each
26 exchange or local unit of government in which the holder

1 chooses to provide cable or video service, the holder shall
2 provide access to a percentage of low-income households
3 that is at least equal to the percentage of the total
4 low-income households within that exchange or local unit of
5 government.

6 A holder of a State-issued authorization shall provide
7 the Commission with a service area footprint, as defined in
8 subsection (j) of Section 21-201 of this Article, or a list
9 of municipalities included in the service area footprint
10 within 60 days after receiving authorization or 60 days
11 after the effective date of this amendatory Act of the 95th
12 General Assembly. The information shall be provided to the
13 public. If a holder of a State-issued authorization deems
14 the footprint to be proprietary information or refuses to
15 disclose a footprint or list of municipalities, then the
16 holder shall provide access to its cable or video service
17 to a number of households equal to at least 50% of the
18 households in the holder's telecommunications service area
19 in the State within 3 years after the date the holder
20 receives a State-issued authorization from the Commission
21 and to a number not less than 65% of these households
22 within 5 years after the date the holder receives a
23 State-issued authorization from the Commission; provided,
24 however, that the holder of a State-issued authorization is
25 not required to meet the 65% requirement in subsection (c)
26 of this Section until 2 years after at least 15% of the

1 households with access to the holder's video service
2 subscribe to the service for 6 consecutive months.

3 (e) A holder subject to subsection (c) of this Section
4 ~~21-1101(e)~~ shall provide wireline broadband service, defined
5 as wireline service, capable of supporting, in at least one
6 direction, a speed in excess of 200 kilobits per second (kbps),
7 to the network demarcation point at the subscriber's premises,
8 to a number of households equal to 90% of the households in the
9 holder's telecommunications service area by December 31, 2008,
10 or shall pay within 30 days of December 31, 2008 a sum of
11 \$15,000,000 to the Digital Divide Elimination Infrastructure
12 Fund established pursuant to Section 13-301.3 ~~of Article XIII~~
13 of this Act, or any successor fund established by the General
14 Assembly. In that event the holder is required to make a
15 payment pursuant to this subsection (e), the holder shall have
16 no further accounting for this payment, which shall be used in
17 any part of the State for the purposes established in the
18 Digital Divide Elimination Infrastructure Fund or for
19 broadband deployment.

20 (f) The holder of a State-issued authorization may satisfy
21 the requirements of subsections (b), (c), and (d) of this
22 Section through the use of any technology, which shall not
23 include direct-to-home satellite service, that offers service,
24 functionality, and content that, ~~which~~ is demonstrably similar
25 to that provided through the holder's video service system.

26 (g) In any investigation into or complaint alleging that

1 the holder of a State-issued authorization has failed to meet
2 the requirements of this Section, the following factors may be
3 considered in justification or mitigation or as justification
4 for an extension of time to meet the requirements of
5 subsections (b), (c), and (d) of this Section:

6 (1) The inability to obtain access to public and
7 private rights-of-way under reasonable terms and
8 conditions.

9 (2) Barriers to competition arising from existing
10 exclusive service arrangements in developments or
11 buildings.

12 (3) The inability to access developments or buildings
13 using reasonable technical solutions under commercially
14 reasonable terms and conditions.

15 (4) Natural disasters.

16 (5) Other factors beyond the control of the holder.

17 (h) If the holder relies on the factors identified in
18 subsection (g) of this Section in response to an investigation
19 or complaint, the holder shall demonstrate the following:

20 (1) what substantial effort the holder of a
21 State-issued authorization has taken to meet the
22 requirements of subsection ~~subsections~~ (a), (b), and (c) of
23 this Section;

24 (2) which portions of subsection (g) of this Section
25 apply; and

26 (3) the number of days it has been delayed or the

1 requirements it cannot perform as a consequence of
2 subsection (g) of this Section.

3 (i) The factors in subsection (g) of this Section may be
4 considered by the Attorney General or by a court of competent
5 jurisdiction in determining whether the holder is in violation
6 of this Article.

7 (j) Every holder of a State-issued authorization, no later
8 than April 1, 2009, and annually no later than April 1
9 thereafter, shall report to the Commission for each of the
10 service areas as described in subsections (b), (c), and (d) of
11 this Section in which it provides access to its video service
12 in the State, the following information:

13 (1) Cable service and video service information:

14 (A) The number of households in the holder's
15 telecommunications service area within each designated
16 market area as described in subsections (b) and (c) of
17 this Section or exchange or local unit of government as
18 described in subsection (d) of this Section in which it
19 offers video service.

20 (B) The number of households in the holder's
21 telecommunications service area within each designated
22 market area as described in subsections (b) and (c) of
23 this Section or exchange or local unit of government as
24 described in subsection (d) of this Section that are
25 offered access to video service by the holder.

26 (C) The number of households in the holder's

1 telecommunications service area in the State.

2 (D) The number of households in the holder's
3 telecommunications service area in the State that are
4 offered access to video service by the holder.

5 (2) Low-income household information:

6 (A) The number of low-income households in the
7 holder's telecommunications service area within each
8 designated market area as described in subsections (b)
9 and (c) of this Section, as further identified in terms
10 of exchanges, or exchange or local unit of government
11 as described in subsection (d) of this Section, in
12 which it offers video service.

13 (B) The number of low-income households in the
14 holder's telecommunications service area within each
15 designated market area as described in subsections (b)
16 and (c) of this Section, as further identified in terms
17 of exchanges, or exchange or local unit of government
18 as described in subsection (d) of this Section in the
19 State, that are offered access to video service by the
20 holder.

21 (C) The number of low-income households in the
22 holder's telecommunications service area in the State.

23 (D) The number of low-income households in the
24 holder's telecommunications service area in the State
25 that are offered access to video service by the holder.

26 (k) The Commission, within 30 days of receiving the first

1 report from holders under this Section, and annually no later
2 than July 1 thereafter, shall submit to the General Assembly a
3 report that includes, based on year-end data, the information
4 submitted by holders pursuant to subdivisions (1) and (2) of
5 subsection (j) ~~subsections (j)(1) and (j)(2)~~ of this Section.
6 The Commission shall make this report available to any member
7 of the public or any local unit of government upon request. All
8 information submitted to the Commission and designated by
9 holders as confidential and proprietary shall be subject to the
10 disclosure provisions in subsection (c) of Section 21-401 of
11 this Act ~~21-401(e)~~. No individually identifiable customer
12 information shall be subject to public disclosure.
13 (Source: P.A. 95-9, eff. 6-30-07; revised 7-9-07.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."